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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

-oOo-

UNITED STATES OF AMERICA,)	
)	Case No.: 2:17-cr-00250-RFB
Plaintiff,)	
)	
v.)	
)	MOTION TO DISMISS INDICTMENT
JORGE FIGEROA-RIVERA,)	
)	
Defendant.)	
)	
)	

COMES NOW the United States of America, by and through STEVEN W. MYHRE, Acting United States Attorney and PAMELA A. MARTIN, Assistant United States Attorney, hereby move to Dismiss the Indictment without prejudice.

STATEMENT OF THE CASE

On August 8, 2017, the defendant was Indicted for Deported Alien Found Unlawfully in the United States, a violation of Title 8, U.S.C. § 1326. The defendant has been in custody since July 24, 2017.

1 A Plea Agreement was sent to defense counsel allowing for a plea to the
2 Indictment and the parties contemplated a credit Time Service Sentence
3 recommendation to the Court.

4 Defense counsel informed Government counsel that she was having
5 difficulties communicating with her client. Further discussions were had between
6 the defendant and his counsel, and the situation has not changed as to defense
7 counsel's ability to communicate in an effective manner with the defendant.

8 Based on the foregoing, the Government believes it would be a waste of
9 Government resources to commit the defendant for a psychological evaluation.
10 Therefore, we are moving to have the Indictment in this matter be Dismissed
11 without prejudice in the interest of justice limited resources.

12 Dated this 20th day of November 2017.

13
14 Respectfully submitted,

15 STEVEN W. MYHRE
16 Acting United States Attorney

17 /s/Pamela A. Martin
18 PAMELA A.MARTIN
Assistant United States Attorney

19 **ORDER**

20 IT IS SO ORDERED.

21 
22 _____
RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

23 DATE: November 30, 2017.